

# Social Media Guidelines



## Introduction

The American Wine industry is one of the most heavily regulated industries in the United States. From labeling to advertising, there are strict rules that must be followed. The Alcohol and Tobacco Tax and Trade Bureau (TTB) is the main federal regulator for the wine industry; they regulate everything from alcohol content on labels to the collection of federal excise tax. The TTB also regulates the advertising of alcohol.

Social media is a direct extension of traditional advertising methods and in some cases is the main form of advertising for a small winery. The prevalence of social media has led to a new form of interactive advertising. Consumers and industry members are able to generate and share content in new ways every day. From Facebook posts to Instagram pictures, the content lines between consumer and producer are blurred like never before.

The TTB has tried to keep up with social media trends, and adapt their advertising rules and regulations as well as they possibly can. WineAmerica has developed this document as a set of guidelines for industry members to follow and for them to know what TTB will be looking at. This document covers federal rules and regulations. States have their own social media rules and you should contact your state winery association for more information on state and local rules.

This document will examine the TTB social media regulations to explain exactly what they regulate and explain specific content standards to illustrate the “do’s and don’ts” of social media. These are the specific content standards that are listed within the regulations, we also offer us industry recommendations to make sure all of your social media is not only compliant with the regulations, but you are following the best practices possible in your posts.

This document is for informational purposes only and should not be taken as legal advice.

# TTB Regulations

## Social Media

Official social media pages for alcohol products/brands fall under the “any other media” category in TTB’s definition of advertising. These pages are subject to the provisions of the Federal Alcohol Administration (FAA) Act and TTB regulations.

Mandatory statements on alcohol beverage advertisements include:

- Conspicuous and legible
- Clearly a part of the advertisement
- Readily apparent to those viewing the advertisement.

Mandatory statements are not required to appear in a particular location, but they cannot be hidden or buried in an obscure location on the page. Advertisers should place these statements in a location where viewers would logically expect to find information on the brand or company (the profile or “about” section).

Any alcohol-related information posted to an official page is part of the page and considered part of the advertisement.

## Video Sharing Sites

Videos about alcohol beverages that are posted to video sharing sites (such as YouTube) by industry members are considered advertisements. It is recommended that mandatory statements be placed in a location on the site where a viewer would logically expect to find information on the brand or company.

For videos without an associated “channel” or profile section, should include the mandatory statements within the videos.

## Blogs

Most blogs are interactive and allow visitors to leave comments or messages. If a member maintains a blog about itself and discusses issues related to the company and its products, or the industry in general, the blog is considered by TTB to be an advertisement and is subject to TTB’s advertising regulations.

## Microblogs

Microblogs publish posts that are typically very short, often a short fragment with images or video links. Social media platforms like Twitter fall under the definition of a microblog. If a commercial microblog is promotes products or services through written material, it will be considered an advertisement under TTB regulations.

Many microblog services have character limits, making it impractical to require mandatory statements in every post. Members may include the mandatory statements on their microblog profile page.

## Mobile Applications

Industry-specific mobile applications help facilitate the sale and consumption of alcoholic beverages. TTB considers these apps to be advertisements because they are calculated to induce sales. The only mandatory statement required to appear in the app is the company name or brand name of the product.

# Advertising Content Standards

## Wine advertising should encourage responsible consumption

### Advertisements should not:

- Promote wine for its intoxicating qualities
- Reference alcohol content or extra strength, except as otherwise required by law
- Depict intoxication, or imply that intoxication is amusing or appropriate
- Depict wine in quantities inappropriate to the situation or inappropriate for responsible use
- Suggest wine be used while operating motorized vehicles

## Advertisements should not suggest that wine contributes to success

### Advertisements should not:

- Depict wine as being essential to personal performance, social attainment, achievement, success or wealth
- Associate wine with social, physical or personal problem solving
- Make any therapeutic or curative claims about wine
- Depict wine as being vital to social acceptability and popularity
- Suggest that wine is crucial for successful entertaining

## Advertisements should not create appeal for individuals below the drinking age

### Advertisements should not:

- Show actors/personalities as wine consumers who are or appear to be under the legal drinking age
- Use music, language, gestures, images, characters, or objects popular with children or specifically associated with those below the drinking age
- Present wine as a "rite of passage" to adulthood
- Suggest that wine is similar to other beverages or products that particularly appeal to those below the legal drinking age
- Use entertainment/sports figures having a particular appeal to those below the legal drinking age

# Industry Recommendations

## Advertising/Product Placement

### Digital wine advertising should:

- Use an age affirmation mechanism on their homepage that restricts viewer access
- Use a third party age-affirmation mechanism to verify the age of online wine purchasers at the point of purchase

### Product placements in digital/visual media should not:

- Be included where characters engage in illegal or irresponsible wine consumption
- Portray wine purchase/consumption by those who are below the legal drinking age

## Consumer Data Collection

If consumer data is collected via an online registration form it should include: email address, date of birth (set as MM-DD-YYYY), country, and zip code. Consent language should be displayed directly above the Submit button.

- If the member wants to communicate with the consumer in the future, there should be an opt-in statement. The opt-in statement (email and text) should not be pre-populated to “Yes.”

## Email Marketing

### Standard Header

- Should include member’s ‘unsubscribe’ link

### Call-to-Action Message

- Should include the following notice directly before the link: “This material is intended for those of legal drinking age. Please do not forward or share with anyone under 21.”

### From

- Should come from the member’s email address, not an individual or agency’s email

### Subject Line

- Should be promotional in nature so that the consumer realizes it is a marketing message

### Message Body

- Should be promotional in nature and can be personalized by using the consumer’s name

### Legal Footer

- Moderation message
- The address of the business entity responsible for the market
- Links to Privacy Policy, Terms of Use, Linking Policy & Unsubscribe
- A link to the Terms and Conditions if the message is promoting a contest/sweepstakes

# Industry Recommendations

## Facebook

### Hashtags

- Should only be used in posts published on the member page
- Only reply to consumers who have commented on the original post using the hashtag
- Avoid replying to consumers who have generated their own post using the hashtag

### Direct Message

- Members should avoid initiating a direct message to an individual consumer

### Calls-to-Action

- Should link to an age-gated page on or off Facebook

### Promotions Run from Member Wall

- Should be in compliance with legal and Facebook requirements
- Should include official rules such as eligibility requirements and an acknowledgement that the promotion is not affiliated or sponsored by Facebook

## Twitter

### Hashtags

- All Tweets using a hashtag should avoid two-way communication

### Calls-to-Action

- Should lead to an age-gated destination (“Follow [member] on Twitter, website, Facebook page, etc.”)

### Replies

- Only to Followers, because they have been age-verified

## Instagram

### Hashtags

- All posts using a hashtag should avoid two-way communication

### Calls-to-Action

- Should lead to an age-gated destination (i.e., “Follow [member] on Twitter, website, Facebook page, etc.”)

### Direct Engagement

- Members should avoid “liking” photos posted on individual consumers’ accounts

### Contests/Sweepstakes

- Members using Instagram as a means of entry should require the consumer to complete a registration form hosted on an age-gated platform.
- The form should include: Instagram account name, date of birth, email address, zip code, and link to Terms and Conditions.

# Industry Recommendations

## Pinterest

### Pinning

- All photos and other content should have an age-gated destination when a consumer clicks through.
- The source of Pinned content should also be on an age-gated platform (such as other member social media).

### Repinning

- Should avoid repinning consumer content.

### Following

- Because Pinterest has no age affirmation mechanisms, members should avoid “following” consumers.

### Direct Messaging

- Members should avoid sending direct messages to consumers.

## Influencers

Influencers are individuals who have very large social media followings, famous either for their careers or because of the content/personality they put out online. They are often leveraged by a business to generate brand awareness or product interest. Influencers for partnership should:

- Be 25 years of age or older
- Not be a religious figure
- Not be a controversial figure
- Not have a history of alcohol abuse
- Not currently be in legal dispute